

1 JUDGE CHACHKIN: Now, we're referring to Exhibit
2 1, is that correct?

3 MR. ARONOWITZ: Exactly. Correct, Your Honor. I
4 said Exhibit A. That's what it's titled. I meant Exhibit
5 1.

6 THE WITNESS: Yes, sir.

7 BY MR. ARONOWITZ:

8 Q Okay, so it is your testimony that the Mineola was
9 routinely renewed?

10 A Yes, sir.

11 Q It was also your testimony, if I understand it
12 correctly, and please correct me if I'm wrong, that it was
13 not rescinded?

14 A It was -- that I know if of it was never
15 rescinded.

16 Q Okay. Okay.

17 I have, and I'm going to make available, or Ms.
18 Berthot will make available to you a copy of a three-page
19 letter dated February 9, 1996, and I would like this marked
20 for identification as Mass Media Bureau Exhibit 22.

21 JUDGE CHACHKIN: The document will be so marked.

22 (The document referred to was
23 marked for identification as
24 Mass Media Bureau Exhibit No.
25 22.)

1 MR. ARONOWITZ: Why don't you take a few moments
2 to read it, Mr. Werlinger.

3 (Witness reviews document.)

4 BY MR. ARONOWITZ:

5 Q Mr. Werlinger, have you read this?

6 A I have, sir.

7 Q Are you familiar with this?

8 A No, I am not.

9 Q Do you know what this is?

10 A It's a letter from the FCC to KVCJ, a notice of
11 special temporary authority cancellation.

12 Q All right. And do you see what -- so, in fact,
13 the STA was not routinely renewed; is that correct?

14 A Apparently not, but it was reinstated later
15 because in June of --

16 MR. ARONOWITZ: Strike the last statement.

17 BY MR. ARONOWITZ:

18 Q How did know it was reinstated?

19 A Because I checked the file.

20 Q So then you knew it was --

21 A This letter was not in the file.

22 Q In which files did you look at?

23 A The reference room.

24 Q You got everything -- you got all the grants
25 before this, and you got all the grants after this.

1 A No, sir, I did not get all of the grants. Some of
2 them were not there, but this specific letter was not there.
3 And when this letter was written I no longer worked for --

4 Q I want to ask you that.

5 When were you -- when did you cease your
6 relationship with Canton Broadcasters?

7 A After I did the initial STA request, I ceased an
8 association with them for a period of --

9 Q After the initial STA request. And when would
10 that -- the time frame?

11 A It would have been December or January 1993 --
12 January 1994. Subsequent to that I agreed to do some work
13 for them again on their 301, and we presented a 301 which
14 was later returned. They amended that 301 using a different
15 consultant, and in January of this year I saw that it had
16 been granted.

17 MR. ARONOWITZ: One second, please.

18 (Pause.)

19 BY MR. ARONOWITZ:

20 Q When did you -- when did you resume working for
21 Canton Broadcasters?

22 A March - April, 1995.

23 Q So you were terminated what, for a few months, and
24 then you came back on board?

25 A Well, what happened was in April of 1994, I moved

1 to Houston and began an LMA on a radio station, and was not
2 able to -- just didn't have the time to do the work. So
3 they found --

4 Q So you left their employ?

5 A Well, I never was actually employed by them. I
6 contracted with them to do engineering work. I was never an
7 employee of theirs. I was a contractor.

8 Q Okay. What I mean "in their employ," working for
9 them.

10 A They paid me money to do work, yes.

11 Q And so you left them in --

12 A I don't remember the --

13 Q -- January '94?

14 A Yeah, January of '94, I guess; maybe December of
15 '93.

16 Q This was after -- this was after the Commission
17 had granted the STA based on the lost site?

18 A Yes, sir, it was.

19 Q And between that time and the time --

20 A In point of fact I did not -- after I did the,
21 after I did the initial STA request, I did no work for them
22 beyond that. They hired somebody else to --

23 Q But you were still in their employ --

24 A -- erect the tower.

25 Q -- in --

1 A Well, actually, no. They paid me and I --

2 Q You were still doing work for them in November of
3 '93? You were still working at their behest?

4 A The one thing I -- the one thing I did for them
5 before early 1995 was the STA request. It was the one thing
6 that I was paid to do.

7 Q You mean '93?

8 A I'm sorry. '93. Excuse me. November of '93.
9 (Pause.)

10 BY MR. ARONOWITZ:

11 Q Mr. Werlinger, could you please again, and I
12 apologize, would you please turn to Exhibit 21.

13 JUDGE CHACHKIN: Are we talking about Appendix 21?

14 MR. ARONOWITZ: Appendix 21. I'm sorry.

15 JUDGE CHACHKIN: All right.

16 BY MR. ARONOWITZ:

17 Q And I specifically would like you to go to page 19
18 of that exhibit. And there is a letter dated June 20th
19 extending the KVC I STA?

20 A Yes, sir.

21 Q And then the next page is a June 5, 1996, request
22 for an extension of the STA.

23 A Yes, sir.

24 Q And apparently that is the one that June 29th
25 letter granted.

1 A Yes, sir.

2 Q That's the request that was granted.

3 On page 21, we have a March 7, '96, STA that was
4 granted.

5 A Yes, sir.

6 Q And then the next page we have an October '95.

7 A Yes, sir.

8 Q And then going through the pages, August '95,
9 April '95, February '95, and then concluding on page 26 the
10 initial grant of the STA November 23, 1993, due to the loss
11 of the authorized site.

12 A Yes, sir. These are all the pages that I found in
13 the file.

14 Q Okay. All right, it's your testimony that the FCC
15 routinely granted this STA?

16 A These --

17 Q That's what you stated?

18 A Yes, sir.

19 Q Okay. And, in fact, this February 9, 1996, letter
20 that we have identified as Mass Media Bureau Exhibit 22 is
21 in fact a rescission?

22 A It appears to be, yes.

23 Q Okay.

24 A Of which I was unaware.

25 Q That's fine. But it is now -- would your

1 testimony be that it would -- that the STA was routinely
2 granted in light of what you now know about this letter?

3 A I see a rescission. I also see in June --

4 Q Mr. Werlinger, Mr. Werlinger, I'm asking you does
5 this February 9 letter cause you to have a different
6 conclusion about the routine -- of whether this STA was
7 routinely granted?

8 A It was routinely granted up until this point, and
9 apparently it was granted again after this point, and
10 renewed as late as June 20, 1996.

11 Q So it is your testimony now that this was not
12 routinely granted?

13 A Up until this date, it was.

14 Q So it's not -- all right. And then on this date
15 was this STA routinely granted?

16 A It was not, sir.

17 Q Okay. So it was not routinely granted?

18 A But it was subsequently reinstated apparently.

19 Q That's -- thank you very much. That is not
20 responsive to my question.

21 My questions remains that your statement with
22 respect to the routine grant of this STA is not the case?

23 A It was in error vis-a-vis this February 9, 1996 --

24 Q Now, on November 23, 1993, you got the letter from
25 the Commission granting, the initial grant of the STA of the

1 KVC I STA due to the loss, and it said in the letter, due to
2 the loss of the authorized site, correct?

3 A Yes, sir.

4 Q And you never corrected that. You never
5 enlightened the Commission that that was in error?

6 A I did not.

7 Q Okay. So at this point, at the November 23, 1993,
8 letter -- strike that.

9 When you filed the April 21, 1995, STA were you
10 aware of this November 23, 1993, letter relative to KVC I?

11 A I had received a copy of the letter, yes.

12 Q All right. And is it still your testimony that on
13 4-21, when you filed the STA for KFCC, that no loss of a
14 transmitter site was necessary?

15 A It hadn't been necessary with the KGTN in
16 Georgetown, Texas, STA.

17 Q Excuse me, Mr. Werlinger.

18 Mr. Werlinger, in your --

19 A I have --

20 Q -- exhibit you are relying on this Mineola/Canton
21 KVC I application. And, in fact, this KVC I application said
22 nothing about a lost site -- STA -- when you filed it?

23 A I have stated, Mr. Aronowitz, that I was aware
24 that STAs were granted under both sets of circumstances.

25 Q Did you feel any need to address the lost site in

1 the 4-21 STA when you filed it for KFCC?

2 A I have -- I have in my written testimony stated
3 that in light of what has occurred I could -- I felt then, I
4 still feel that I could have simply omitted any reference to
5 loss of site, and the situation would have been the same. I
6 wished now that I had --

7 Q Excuse me, Mr. Werlinger. I am not even following
8 that. And I will be honest with you, when you say that the
9 situation would be the same, I'm not even sure what you're
10 referring to --

11 A Well, that the STA would have been granted. I
12 could have simply omitted it and it would have been granted
13 anyway.

14 Q Can you say that in light of the November 23,
15 1993, letter?

16 A Again, my experience had been that it had been not
17 only in that case but in others routinely granted.

18 MR. ARONOWITZ: At this time, Your Honor?

19 JUDGE CHACHKIN: Yes.

20 MR. ARONOWITZ: I would like to move for the
21 introduction into evidence of Mass Media Bureau Exhibit 22.

22 JUDGE CHACHKIN: Any objection?

23 THE WITNESS: Oh, this? I'm sorry.

24 No objection, Your Honor.

25 JUDGE CHACHKIN: All right, Bureau Exhibit 22 is

1 received.

2 (The document referred to,
3 having been previously marked
4 for identification as Mass
5 Media Bureau Exhibit No. 22,
6 was received into evidence.)

7 BY MR. ARONOWITZ:

8 Q Mr. Werlinger, it is now your testimony that after
9 February -- on February 9, 1996, KVCJ STA was canceled; is
10 that correct?

11 A It appears to be the case.

12 Q And you say -- and you also testified that some
13 time later it was reinstated?

14 A Well, again, I have a reinstatement in my
15 documents dated June 20, 1996.

16 Q Okay. Are you familiar - hold on.

17 MR. ARONOWITZ: Excuse me for a second.

18 (Pause.)

19 THE WITNESS: Which, incidently, refers to loss of
20 authorized site.

21 JUDGE CHACHKIN: What refers to loss of authorized
22 site?

23 THE WITNESS: This June 20, 1996, letter.

24 JUDGE CHACHKIN: Yes.

25 THE WITNESS: They didn't lose the site. The

1 transmitter site was still in Mineola just as it had been in
2 November 1993. They contractually lost it.

3 MR. ARONOWITZ: Wait.

4 THE WITNESS: The situation was exactly the same,
5 Your Honor. The original transmitter site was still
6 standing there. The tower was there. The transmitter room
7 was there. Old junky equipment was there. It was exactly
8 the same.

9 (Pause.)

10 MR. ARONOWITZ: We're now going to put before and
11 Your Honor a four-page document entitled -- dated March 4,
12 1996, which purports to be an extension -- a request to
13 extend the special temporary authority of KVCJ in Mineola,
14 Texas.

15 JUDGE CHACHKIN: The document will be marked for
16 identification as Bureau Exhibit 23.

17 (The document referred to was
18 marked for identification as
19 Mass Media Bureau Exhibit No.
20 23.)

21 MR. ARONOWITZ: And take a moment to read that,
22 Mr. Werlinger.

23 (Witness reviews document.)

24 JUDGE CHACHKIN: Have you had an opportunity to
25 review the letter?

1 THE WITNESS: I've read it, yes.

2 JUDGE CHACHKIN: All right.

3 BY MR. ARONOWITZ:

4 Q Mr. Werlinger, on the fourth paragraph down on the
5 first page it states that there was a meeting held with the
6 Commission staff on March 1, which would be after the
7 cancellation of the STA, in which it purports to say --
8 well, I will just read the words, "CBI was mislead by its
9 prior consultant and prior return in believing that it was
10 in compliance with the Commission's rules and policies.
11 Since receiving the staff letters of January 31 and February
12 9, CBI's principals have consulted with and retained a new
13 consulting engineer and a new communications attorney."

14 It then went on to request that the special
15 temporary authority be extended, and that they would work
16 with new consulting engineer and attorney to return KVCI to
17 its licensed site in Mineola as quick as feasible.

18 Are you the prior consultant?

19 A I don't know who -- they had two prior
20 consultants. I worked with them and one other individual
21 did. I don't know who this refers to.

22 Q You -- the February 9, 1996, cancellation of the
23 STA, the STA was put in place by the STA request that you
24 filed originally; is that correct?

25 A Actually, as I recall, it didn't go on the air

1 until an extension was granted in February or March of 1994.

2 It actually went on the air, I think, in June of 1994.

3 Q Mr. Werlinger, I am not sure what you just
4 answered me, so let me ask the question again.

5 On February 9th the Commission canceled the STA
6 for KVCII.

7 A 1996.

8 Q 1996. Excuse me.

9 A Yes, sir. Okay.

10 Q Was that the STA that you -- that was secured
11 through your efforts?

12 A It appears thus.

13 Q Okay. So that in fact relative to the STA, you
14 had prepared the STA?

15 A Yes, sir.

16 Q As of March 4, 1996, you had filed -- did you
17 prepare the FCC Form 301?

18 A I prepared the original FCC Form 301 in 1995.

19 Q Okay. And is that the 301 that's the subject of
20 the March 4 letter?

21 A I believe it was the BP950907.

22 Q And where it says that it had been prepared by its
23 prior consulting engineer, that would be you?

24 A Yes, sir.

25 Q Okay. And there is no mention of another

1 consulting engineer in this letter?

2 A There was an engineer. There is no -- well, there
3 is no mention of a specific individual at all in this
4 letter.

5 Q But you are the consulting engineer that filed the
6 Form 301?

7 A Yes, sir.

8 Q BP950907AB.

9 A Subsequent to that I informed them that I had --

10 Q So you filed the STA and you filed the 301?

11 A Yes, sir.

12 Q There were no other STAs or 301s filed prior to
13 March 4, '96, or March 1, '96? Excuse me.

14 A Well, there are STA extensions.

15 Q Right. But they were just extensions. It wasn't
16 a new STA?

17 A I -- I don't think so. I was not there for most
18 of that.

19 Q So, in fact, the prior consultant that they are
20 referring to relative to the person that prepared the STA
21 and the 301 would be you?

22 A It appears thus.

23 Q And subsequent to March 4, the KVC I STA was
24 reinstated?

25 A Apparently.

1 Q Okay. And, in fact, this letter on page 2,
2 paragraph 2, the first full paragraph on that statement --
3 in this letter says, "The tower on which KVCJ had been
4 operating at Mineola has been dismantled and the site has
5 been sold."

6 A That's what it states.

7 Q And therefore the STA was granted, this STA
8 request was granted.

9 A Effectively changing the city of license from
10 Mineola to Canton.

11 MR. ARONOWITZ: Strike that. That's not what I
12 asked at all, and would --

13 JUDGE CHACHKIN: All right, I will strike it. It
14 is stricken.

15 BY MR. ARONOWITZ:

16 Q In fact, this STA, the sub -- after March 4, the
17 KVCJ STA was extended, was reinstated, just the STA due to
18 the fact that the site had been sold and the tower at KVCJ
19 had been dismantled?

20 A That's what it states.

21 Q But that wasn't the case when you filed the STA
22 originally?

23 A It was not.

24 Q And that wasn't the case in KFCC?

25 A It was not. The site had not been sold.

1 Q Nor the towers dismantled?

2 A Nor the towers dismantled, no.

3 Q Okay. So, in fact, on March 4, when this -- this
4 March 4 request leading to the reinstatement, presented
5 different facts than you presented in your STA either for
6 KVCJ in 1993, or KFCC on February 21, '95. There were
7 substantially different facts.

8 A State that again, please.

9 Q On March 4, 1996, when the KVCJ requested another
10 STA, they stated as part of their reasoning or as part of
11 their case that the tower had -- the tower had been
12 dismantled and the site sold. That was the basis for the
13 STA in March of '96, for KVCJ in Mineola?

14 A Which was granted apparently.

15 Again, the --

16 Q That was not the case, those were not the facts
17 presented, in fact, that wasn't the case when you originally
18 filed the STA in October of '93 for KVCJ?

19 A That's correct.

20 Q And when you filed the 4-21-95 STA for KFCC, those
21 were not -- there were no similar circumstances?

22 A The -- the towers had not been dismantled. But
23 similarly --

24 JUDGE CHACKIN: No, that's the answer.

25 MR. ARONOWITZ: That's the answer.

1 Your Honor, I would like to move for acceptance of
2 Mass Media Bureau Exhibit 23 into evidence.

3 JUDGE CHACHKIN: Any objection?

4 THE WITNESS: None, Your Honor.

5 JUDGE CHACHKIN: The exhibit is received.

6 (The document referred to,
7 having been previously marked
8 for identification as Mass
9 Media Bureau Exhibit No. 23,
10 was received into evidence.)

11 BY MR. ARONOWITZ:

12 Q In light of your testimony on Mineola, I wanted to
13 just ask a couple more questions, and hopefully we will be
14 able to move on.

15 Exhibit 21, your attachment Appendix 21?

16 A Yes, sir.

17 Q In that STA request you -- was the intent to
18 change community of license disclosed on the face of the
19 STA?

20 A Yes.

21 Q Was the relative to the 4-21-95 STA for Chameleon,
22 for KFCC, did that STA reflect -- did that STA reflect the
23 change of community of license to --

24 A It did not -- it did not in writing, but it was
25 stated verbally to Mr. --

1 Q It was not in writing; is that correct?

2 A I did not in writing, but it was stated verbally.

3 Q Okay, so on the basis of these applications Canton
4 said -- disclosed it; KFCC did not disclose it; is that
5 correct?

6 A It was disclosed verbally.

7 Q That's not what I asked. I'm talking on the face
8 of the applications.

9 A Yes and no. Yes, in Canton; no in --

10 Q Yes in Canton.

11 A No in KFCC.

12 Q No in KFCC. So there was a difference?

13 A Yes.

14 Q Okay. The Canton application addressed and
15 disclosed the fact that as a result of the STA city-grade
16 coverage would no longer be provided to the community of
17 license.

18 The Canton application, did that disclose that?

19 A I don't recall.

20 Q That's Attachment 21. I will refer you to page 2
21 under the letter (b), the first sentence that says, "As
22 indicated in Exhibit 3-5," and then read that paragraph.

23 A Which ends with the sentence, "It is also within
24 the Commission's policy to allow STA facilities to operate
25 without providing normally required signals over the current

1 city license."

2 Again, state --

3 Q That was --

4 A I stated that this morning.

5 Q That was the waiver, correct. You said that it
6 either has to have it or they would waive it. There would
7 either have to be a requirement of city-grade coverage or
8 they would have to waive that requirement.

9 A It was routinely waived.

10 Q Okay. But the Canton application disclosed the
11 lack of city-grade coverage on its face?

12 A It did.

13 Q Okay. Was that the case for KFCC?

14 A It did not.

15 Q Okay. So, again, those applications were
16 different in that sense?

17 A Yes.

18 Q Okay. Okay, I want to move on, and I may come
19 back to this in a second, but I just want to move on for the
20 second because I am looking at the -- we do want to make
21 some progress on issue two.

22 This is now going to whether the tower existed or
23 whether it was constructed on 4-21, 5-2. This what --
24 whether the tower was existing issue by wa of introduction.

25 On 4-21-95, when you filed the KFCC, when the KFCC

1 STA request was filed, there was no tower on the proposed
2 site in Harris County?

3 A There was none.

4 Q The 4-21-95 STA proposed a new tower?

5 A It did.

6 Q On 5-2-95, the amended STA was filed?

7 A Yes, sir.

8 Q The 5-2-95 STA contained new coordinates,
9 contained new coordinates -- strike that.

10 The 5-2-95 amended STA contained coordinates
11 different from those coordinates specified in the 4-21-95
12 STA request?

13 A It did.

14 Q So on the face of it, it looked like two different
15 sites delineated by two different coordinates on its face?

16 A Well, yes.

17 Q Coordinates.

18 A Coordinates that are separated by approximately
19 250 feet.

20 Q But two different coordinates suggesting on its
21 face, without any more explanation, two different sites?

22 A No. Two different spots on the same site.

23 Q Okay, two different spots.

24 A Okay.

25 Q Okay. The 5-2-95 amendment to the STA did not in

1 any way address the discrepancy in the use of the
2 coordinates; is that correct?

3 A Discrepancy being one was at one spot and one was
4 at the other?

5 Q Correct.

6 A No.

7 Q Okay, On your Attachment 4 or my Exhibit 4 --
8 hold on a second, please.

9 Would you please turn to Mass Media Bureau
10 Exhibit, and I'm looking for the 4-21 STA request.

11 A I think it's 17. No.

12 Q I was going to say 6, but what do I know. It's 6.

13 A Okay.

14 Q And I want to go with page 8, if you would turn to
15 page 8. And, again, this -- let me know when you're there.

16 A I'm here.

17 Q Okay. On page 8 it shows a proposed site.

18 A Yes, sir.

19 Q And within the context of this request it looks
20 like a proposed site where new tower construction would
21 happen?

22 A That's correct.

23 Q Okay. Now, if you would turn to Mass Media Bureau
24 Exhibit 18, which is the 5-2 amendment, page 2.

25 A Yes, sir.

1 Q It's essentially the same map.

2 A Absolutely.

3 Q However, this one differs from the previous one in
4 the sense that there is now what purports to be another
5 spot, if you will, reflecting an existing tower.

6 A Yes, sir.

7 Q Next to a spot reflected in the 4-21-95 without a
8 tower?

9 A Yes, sir.

10 Q Just on its face?

11 A Yes, sir.

12 Q So on its face it looks like there is -- strike
13 that.

14 On its face it appears that in the 5-2-95
15 amendment there is an existing tower on a spot different
16 from a spot proposed in 4-21 coordinate-wise with no tower?

17 A Yes, sir.

18 Q So it would lead one on this basis, particularly
19 page 2 of the 5-2-95 amended STA, to conclude that this is a
20 different site with a tower, or different spot with a tower
21 using your words?

22 A It would lead someone to believe that 250 feet
23 away there is now a tower.

24 Q Would it also lead one to believe that 250 feet
25 away on May 2, '95, a tower existed?

1 A Yes, sir.

2 Q Okay. So on 5-2-95, it would appear that there is
3 an existing tower at this second spot?

4 A Yes, sir.

5 Q Okay. In your direct testimony you state that you
6 learned --

7 JUDGE CHACHKIN: What page are you referring to?

8 MR. ARONOWITZ: This would be -- this would be
9 Mass Media Bureau Exhibit No. 5, pages 8 through 9.

10 MR. WERLINGER: Eight through 9?

11 BY MR. ARONOWITZ:

12 Q And this is -- actually just for background, this
13 is Mr. Werlinger's response to the letter of inquiry, and
14 pages 8 and 9 is in his narrative how he learned of the
15 FCC's policy with regard to no construction for STA, or no
16 STAs for new construction. And you might want to take just
17 a moment to read through that because my next few questions
18 are based on this.

19 (Witness reviews document.)

20 THE WITNESS: Mr. Aronowitz, pages 8 and 9 don't
21 appear to --

22 JUDGE CHACHKIN: You're looking at the wrong
23 exhibit.

24 MR. WERLINGER: Oh.

25 JUDGE CHACHKIN: It's Bureau Exhibit --

1 THE WITNESS: Oh.

2 MR. ARONOWITZ: It's Mass Media Bureau Exhibit No.
3 5.

4 THE WITNESS: I'm sorry.

5 MR. ARONOWITZ: Which is the same as your
6 Attachment 11.

7 JUDGE CHACHKIN: And you want him to look at pages
8 8 and 9; is that correct?

9 MR. ARONOWITZ: Correct. And this starts -- and I
10 am specifically going for the bottom two paragraphs on
11 eight, and my questioning will go through the bottom of 8,
12 the last two paragraphs of 8, page 9, and through the
13 beginning of 10, and anything else that I do I'll mentioned
14 before and give Mr. Werlinger an opportunity to go over.

15 (Witness reviews document.)

16 THE WITNESS: Okay.

17 BY MR. ARONOWITZ:

18 Q Just to start us off, on May 2, '95, when you
19 filed the amended STA request, was there an existing tower
20 on the proposed site?

21 A Yes, sir.

22 Q On May 2nd, was that a functioning and operational
23 tower?

24 A Not as an AM broadcast tower.

25 Q So it needed construction, additional

1 construction?

2 A It needed the addition of the folded unipole
3 antenna, and the ground system, yes.

4 Q So as I understand this, the tower wasn't up?

5 A The tower was up.

6 Q The tower was up.

7 A But the apparatus to make it a functioning AM
8 broadcast tower was not.

9 Q So it was functional for all purposes other than
10 to --

11 A Operate as an AM broadcast.

12 Q -- operate KFCC?

13 A Or any other AM broadcast facility.

14 Q I want to get back to that, but I don't want to
15 get too far afield for the moment.

16 As you reread Mass Media Bureau Exhibit 5, pages 8
17 forward as I've suggested, is it your testimony that you
18 learned, or how did you learn that an STA would not be
19 granted for new construction?

20 A From John Vu.

21 Q And you learned that after -- when did you learn
22 that?

23 A I learned it between the 21st and the 26th. I
24 don't remember the specific date.

25 Q So you found out after you filed the STA, the